

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

KEVIN EDWARDS,

Debtor.

CREDIT UNION OF ATLANTA,

Movant,

v.

KEVIN EDWARDS, Respondent,
ADAM M. GOODMAN, Trustee.

§
§ CHAPTER 13

§
§ NO. 14-55637-jrs

§
§ CONTESTED MATTER

MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW, CREDIT UNION OF ATLANTA, a party in interest in the above-captioned matter and Movant in this proceeding, and respectfully shows to this Court as follows:

1.

Debtor, KEVIN EDWARDS, filed a petition for relief under Chapter 13 of the United States Bankruptcy Code on March 19, 2014.

2.

The Bankruptcy Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §157 and 11 U.S.C. §362.

3.

Adam M. Goodman is the duly designated Chapter 13 Trustee.

4.

Movant holds a valid, perfected security interest in a 2005 Bentley Continental GT, VIN: SCBCR63W75C025105 (hereinafter "Vehicle"). A copy of the Certificate of Title is attached hereto as Exhibit "A".

5.

Debtor is indebted to Movant on Loan No. 0705-145 in the amount of \$72,507.12, exclusive of attorney fees and costs. Debtor is indebted to Movant on Loan No. 0705-147 in the amount of \$34,433.39, exclusive of attorney fees and costs. The loans are secured and cross-collateralized by the Vehicle.

6.

Debtor has failed to make payments to Movant pursuant to the terms of the Loans. The last payment was made on October 16, 2013. The Loans are delinquent. Movant filed for a Writ of Possession in Fulton County State Court, Case No. 14VF000023D and Defendant was served eight (8) days prior to the filing of this bankruptcy petition.

7.

Debtor's schedules indicate very little debt aside from this Vehicle debt. Movant is unclear why Debtor needs a \$92,000 Bentley. Debtor has another vehicle.

8.

Cause exists for lifting the automatic stay, including lack of adequate protection. 11 U.S.C. §362(d)(1).

9.

There is no equity in the Vehicle and the Vehicle is not necessary for the adequate reorganization of Debtor. The Vehicle is burdensome to the estate and of inconsequential value.

WHEREFORE, Movant moves this Court for an order lifting the automatic stay pursuant to 11 U.S.C. §362 as to the Vehicle, and for such other and further relief as the Court deems just and appropriate.

RESPECTFULLY SUBMITTED this 28th day of March, 2014.

/s/Paul J. Morochnik
PAUL J. MOROCHNIK
Georgia Bar No. 526465

For the Firm of
WEISSMANN ZUCKER EUSTER MOROCHNIK P.C.
One Securities Centre
3490 Piedmont Road, Suite 650
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Attorney for Movant

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NOTICE OF HEARING

PLEASE TAKE NOTICE that CREDIT UNION OF ATLANTA has filed a **Motion for Relief from Automatic Stay** and related papers with the Court seeking an order granting relief from the automatic stay. The Court will hold a hearing on the motion in Courtroom 1404, U.S. Courthouse, 75 Spring Street, SW, Atlanta, Georgia 30303, at 1:30 P.M. on April 24, 2014.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have any attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how, and on whom (including addresses) you served the response. Mail or deliver your response so this it is received by the Clerk at least two business days before the hearing. The address of the Clerk's office is: Clerk, 1340 Russell Federal Building, 75 Spring Street, SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the motion to lift automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date of the request. If a final decision is not rendered by the Court within sixty (60) days of the date of the request, Movant waives the requirement that the final decision be issued within that period. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

This 28th day of March, 2014.

/s/ Paul J. Morochnik
PAUL J. MOROCHNIK
Georgia Bar No. 526465
WEISSMANN ZUCKER EUSTER MOROCHNIK P.C.
One Securities Centre
3490 Piedmont Road, Suite 650
Atlanta, Georgia 30305
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(404) 364-2300
(404) 364-2320 facsimile
Attorney for Movant

Berry's Certificate of Title

DISCLAIMER: DO NOT ACCORD THIS TITLE WITHOUT THE SECURITY THREAD LOCATED APPROXIMATELY TWO INCHES FROM LEFT EDGE
VEHICLE IDENTIFICATION NUMBER
SCBRC3475C025105

MAKE BENTLEY YEAR 2005 TYPE OF BODY COUPE MODEL CONTINENTAL GT CYL 12 DATE ISSUED 12/08/2011

DATE VEHICLE PUR FUEL NEW OR USED ODOMETER PREVIOUS TITLE NUMBER STATE OF ISSUE NBR OF LIENS COLOR CURRENT TITLE NUMBER

11/09/2011 GASOLINE USED 025168 91911821 /FL 1 GRN 7771071133956005

OWNER [REDACTED]

DEVIN EDWARDS
885 CENTENNIAL OLYMPIC PARK DR NW
ATLANTA, GA 30313-1834

*ODOMETER READING IS ACTUAL MILEAGE OF THE VEHICLE UNLESS OTHERWISE INDICATED BELOW.

MAIL TO:

CREDIT UNION OF ATLANTA
670 METROPOLITAN PARKWAY
ATLANTA GA 31206

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1ST LIEN OR SECURITY INTEREST
CREDIT UNION OF ATLANTA
670 METROPOLITAN PARKWAY
ATLANTA GA 31206

2ND LIEN OR SECURITY INTEREST

3RD LIEN OR SECURITY INTEREST



The Georgia Department of Revenue issued this title pursuant to the Motor Vehicle Certificate of Title Act and this title is subject to its provisions. The Department certifies that no application has made, the person named herein is registered as the lawful owner of the vehicle described, subject to any items or security interests set forth and such liens or security interests as may subsequently be filed with the Commissioner.

Dec 13 RELEASED BY [REDACTED]

DATE OF RELEASE

SECURITY INTEREST HOLDER AUTHORIZED AGENT

OLD LIEN

BY [REDACTED]

OLD LIEN

BY [REDACTED]

029733553

STATE REVENUE COMMISSIONER

ATLANTA, GA 30313-1834

11249964

CERTIFICATE OF SERVICE

This is to certify that I am over the age of 18 and that I have this day served the foregoing **Motion for Relief from Automatic Stay and Notice of Hearing** upon the Chapter 13 Trustee, the Debtor and Debtor's counsel by causing a copy of the notice to be deposited in the United States mail, with adequate first-class postage affixed thereto, addressed as follows:

Adam M. Goodman
Adam M. Goodman, 13 Trustee
Suite 200
260 Peachtree Street
Atlanta, GA 30303

Kevin Edwards
270 17th Street, Unit 3904
Atlanta, GA 30363

Leonard R. Medley III
Medley & Associates, LLC
Suite 1770 – Bldg. 2
2727 Paces Ferry Road
Atlanta, GA 30339

This 28th day of March, 2014.

/s/ Paul J. Morochnik
PAUL J. MOROCHNIK
Georgia Bar No. 526465
WEISSMANN ZUCKER EUSTER MOROCHNIK P.C.
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Attorney for Movant